CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Force	☐ Discourt.	U.S.
John Butler		Squad #5	201600660	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Wednesday, 11/25/2015 8:24 PM		§ 87(2)(g)		46	5/25/2017	5/25/2017
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/Time	Received at CCI	RB
Wed, 01/20/2016 8:45 PM		CCRB On-line website		Wed, 01/20/2016 8:45 PM		
Complainant/Victim	Type	Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POF Stephanie Cepeda	15501	944028	046 DET			
2. DT3 Lyudmila Howell	1010	944084	WARRSEC			
3. DT3 Cornelius Oshea	741	935419	WARRSEC			
4. An officer						
Witness Officer(s)	Shield N	To Tax No	Cmd Name			
1. DT3 Michael Prilook	2030	933205	WARRSEC			
2. DT3 Juan Jimenez	4642	938718	046 DET			
Officer(s)	Allegation	on		Inve	estigator Recon	nmendation
A.DT3 Lyudmila Howell	Abuse: Detective Lyudmila Howell entered and searched in the Bronx.					
B.DT3 Cornelius Oshea	Abuse: Detective Cornelius Oshea entered and searched in the Bronx.					
C.POF Stephanie Cepeda	Abuse: Police Officer Stephanie Cepeda entered and searched \$87(2)(b) in the Bronx.					
D. An officer	Abuse: A	An officer damaged § 87(2)	(b) S D1	operty.		

Case Summary

on November 25, 2015, at approximately 8:24 p.m., PO Stephanie Cepeda of the 46 th Precinct Detective Squad, Det. Lyudmila Howell of the Bronx Warrant Section, and Det.
Cornelius O'Shea of the Bronx Warrant Section entered the \$87(2)(b) of \$87(2)(b) s
residence at $8^{87(2)(b)}$ in the Bronx (Allegations A, B, and \overline{C}). After the officers'
entry, \$87(2)(b) allegedly discovered that the \$87(2)(b) door lock and the door frame were
damaged, and he alleged that one of the officers caused this damage during their initial entry into
the basement (Allegation D). §87(2)(b) was not arrested or issued a summons during the incident (BR 01).
There is no video footage of this incident.
§ 87(2)(g)
Mediation, Civil and Criminal Histories This complaint was possible for mediation due to SECOND a property demands
This complaint was unsuitable for mediation due to \$87(2)(6) s property damage allegation. \$87(2)(6) did not file a notice of claim in regards to this incident (BR 02).
[§ 87(2)(b)] [§\$ 86(1)(3)&(4)] [§ 87(2)(c)]
Civilian and Officer CCRB Histories
This is §87(2)(b) s first CCRB complaint (BR 03).
PO Cepeda has been a member of the NYPD for nine years and has been the subject of two prior complaints involving four allegations, none of which were substantiated. §87(2)(9)
two prior complaints involving four anegations, none of which were substantiated.
Det. Howell has been a member of the NYPD for nine years and has been the subject of
two prior CCRB complaints involving three allegations, none of which were substantiated. §87(2)
Det. O'Shea has been a member of NYPD for 11 years and has been the subject of three prior CCRB complaints involving five allegations, none of which were substantiated [\$87(2)(9)]
prior CCRB complaints involving rive anegations, none of which were substantiated
Findings and Recommendations
Explanation of Subject Officer Identification
described the subject officers as two Hispanic or white males in uniform
and one Hispanic or white female in uniform. PO Cepeda and Det. Howell are Hispanic females, and Det. O'Shea is a white male. These officers were also dressed in plainclothes during the
incident.
§ 87(2)(g)
The
officers stated that there were no uniformed officers present during the incident.
Allegation A – Abuse of Authority: Detective Lyudmila Howell entered and searched
in the Bronx.
Allegation B – Abuse of Authority: Detective Cornelius Oshea entered and searched 887(2)(6)
, in the Bronx.
Allegation C – Abuse of Authority: Police Officer Stephanie Cepeda entered and searched
ser(2)(b) It is undisputed that Det. Howell, Det. O'Shea, and PO Cepeda (\$10,000)
in the Bronx (BR 01 and BR 04-06).
s residence at \$87(2)(b) is a two story private home with a
basement used for storage (BR 01). §87(2)(b) and his cousin, §87(2)(b) , co-own the

entire nome, including the basement. \$87(2)(0) s residence snares a driveway with \$887(2)(0)
The driveway ends in an open backyard behind 887(2)(b)
There is one exterior entrance to the basement of \$\sec{8}\$ \(\frac{87(2)(b)}{2} \) which is
located directly behind \$87(2)(b) There is also one interior door leading to the
basement from the first floor of the house. During the incident, \$87(2)(0) was on the second
floor of the house, and §87(2)(b) was on the first floor with his year old daughter and year old daughter and
§ 87(2)(b) old daughter.
According to the officers, Det. Howell, Det. O'Shea, and Det. Michael Prilook of the
Bronx Warrant Section responded to the incident location to arrest \$87(2)(b) on a bench
warrant and an I-Card (BR 04-06). Det. Howell called PO Cepeda for backup because PO Cepeda
was the investigating officer assigned to \$87(2)(b) I-Card. PO Cepeda and her partner, Det.
Juan Jimenez of the 46 th Precinct Detective Squad, met the warrant squad detectives on the scene.
Det. Howell was the warrant squad officer assigned to \$87(2)(b) case. Prior to
arriving on the scene, Det. Howell possessed an active bench warrant for §87(2)(b)
criminal sale of a controlled substance in the third degree. Det. Howell also possessed an active I-
Card with probable cause to arrest § 87(2)(b) for grand larceny in the third degree. These
documents listed \$ 87(2)(b) address as \$ 87(2)(b) and \$ 87(2)(b) I-Card
documents listed \$ 87(2)(b) address as \$87(2)(b) and \$ 27(2) \$ 87(2)(b) I-Card specified that she lived in the \$87(2)(b) . Police documentation confirmed that
had an active I-Card and bench warrant for the charges mentioned by Det. Howell
on the date of the incident (BR 07-08).
Prior to arriving on the scene, Det. Howell also investigated §87(2)(b) warrant
history and discovered that \$\frac{8}{27(2)}\$ previously fled from police officers who attempted to
arrest her on a bench warrant. Police documentation confirmed that \$87(2)(b) previously fled
from warrant squad officers who tried to apprehend her at \$87(2)(b) (BR 10).
Det. Howell also stated that she conducted a warrant check for \$87(2)(b)
because the location shared a driveway and backyard with \$\frac{88}{57}(2)(6)\$ This search
allegedly revealed an active warrant for one individual ass \$7(2)(b) Det. Howell did
not recall what kind of warrant she found for \$8.87(2)(b) she did not recall the name
of the individual listed on this warrant; and she did not recall whether this warrant specified a
particular floor on which the suspect resided. Police document requests revealed that there was an
active bench warrant for \$87(2)(b) at \$87(2)(b) on the date of the incident (BR 09).
This warrant was issued on \$87(2)(b)
Det. O'Shea also claimed that the officers possessed prior arrests reports for
listing her address as \$8.87(2)(b) Det. Howell stated that the officers did not
possess any documentation listing \$87(2)(b) address as \$87(2)(b) Database
searches for \$ 87(2)(b) arrest history over the past 10 years did not reveal any arrest report
listing \$ \$87(2)(b) address as \$ \$87(2)(b) (BR 11).
Det. Howell stated that she informed Det. O'Shea and Det. Prilook of all of these
investigative steps prior to responding to the incident location. PO Cepeda did not obtain all of
this information and only knew that Det. Howell possessed an I-Card for \$87(2)(b)
Upon their arrival, Det. Howell, Det. O'Shea, and PO Cepeda walked down the shared
driveway between 887(2)(b)
Det. Jimenez and Det. Prilook remained in front of the
location during the incident.
An unidentified female civilian allowed the officers to enter and search the basement of
for \$ \$87(2)(b) Det. Howell and Det. O'Shea entered the residence
while PO Cepeda remained outside. While inside the house, this female civilian told Det. Howell
and Det. O'Shea that \$ \$87(2)(b) left the apartment a few minutes prior to the officers' arrival.
This female civilian told them that \$87(2)(b) "sometimes hangs out" in the basement of \$17(2) to 11(1) the basement of \$17(2) the
Neither Det. Howell nor Det. O'Shea knew the name of this female, and they

did not know whether she was a resident of \$87(2)(b) Neither Det. Howell nor Det.
O'Shea took any additional steps to verify the information that this unidentified source provided.
Det. Howell and Det. O'Shea exited the basement of §87(2)(b) and walked
to the backyard of 887(2)(b) with PO Cepeda. The officers observed that the door to
the \$87(2)(b) was open, and they entered the \$87(2)(b) The officers did
not knock on the front door of \$87(2)(b) prior to entering the \$87(2)(b)
According to PO Cepeda, the officers walked into the basement on "instinct" because the
door was open and because the officers were searching for \$ 87(2)(b) PO Cepeda also
believed that the basement was abandoned because there was garbage inside.
Det. O'Shea and Det. Howell stated that they stood at the open door of the basement,
announced themselves as police officers, and heard a sound inside that indicated to them that
might be inside. Det. O'Shea described this sound as a loud "bang," and Det. Howell
described this sound as footsteps. Det. O'Shea and Det. Howell entered the basement because
they believed that \$87(2)(b) was inside the basement due to the sound and the information
obtained from the female at \$8.87(2)(b) The officers searched the basement but did
not find § 87(2)(b) inside.
alleged that he heard three loud banging noises while on the first floor of
his house (BR 01). §87(2)(b) opened the interior door to his basement and observed PO
Cepeda, Det. Howell, and Det. O'Shea inside. stated that PO Cepeda showed him
a picture of \$87(2)(b) and asked whether he knew her. \$87(2)(b) did not know \$27(2)
§ 87(2)(b) by name, but he recognized her as a resident of § 87(2)(b) § 87(2)(b)
told the officers that she resided a (\$\frac{88}{2}(2)(b)\$) The officers apologized, left the
basement, and walked back to the front of the house. The officers canvassed the area, found
walking down the street approximately one block away, and placed her under arrest.
An officer may enter a residence on the authority of an arrest or bench warrant if he or
she reasonably believes the defendant to be present at the time of their entry. People v. Cabral,
147 Misc 2d 1000, 560 NYS2d 71 (1990) (BR 15). In addition, an officer must possess a search
warrant in addition to an arrest warrant to permissibly enter the dwelling of a third party absent
consent or exigent circumstances. People v. Rodriguez, 2008 NY Slip Op 28047, 19 Misc 3d 302,
851 YS2d 342 (2008); People v. Baez, 173 Misc 2d 380, 661 NYS2d 759 (1997); CPL §120.80;
CPL §690.05 (BR 12-14).
§ 87(2)(g), § 87(2)(b)

Allegation D -	Abuse of Authority: An	officer damaged § 87(2)(b)	s property.
	alleged that the using the bolt lock to the	officers forcibly entered hadoor to fall off and damagi	ng the door frame such that
CCRB during h	nis interview on February ement door, and he discov	4, 2016 (BR 16). § 87(2)(b)	did not see any officer o his door after the officers
		et. O'Shea acknowledged e	ntering the basement and
		sement. All of the officers	
basement door, § 87(2)(g)	and all of the officers stat	ted that the door was open	at the time of their entry.
9 67 (2)(g)			
Squad:			
Investigator:	Signature	Print	 Date
	Signature	Time	Dute
Squad Leader:			
	Title/Signature	Print	Date
Reviewer:			
	Title/Signature	Print	Date